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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/657,638 | 09/08/2003 | Gregory E. Manning | COSS 8741US | 2814 |
| 1688 | 7590 | 06/02/2006 | EXAMINER A, PHI DIEU TRAN | |
| POLSTER, LIEDER, WOODRUFF & LUCCHESI 12412 POWERSCOURT DRIVE SUITE 200 ST. LOUIS, MO 63131-3615 | | | ART UNIT 3637 | PAPER NUMBER |

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/657,638 | Applicant(s) MANNING ET AL. | |
| | Examiner Phi D. A | Art Unit 3637 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 12-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are confusing in scope as they appear to have language that are contradictory. The claim state “ free-standing” which implies self supporting and not relying on something else. However, the claims are required that the door frame being secured to the base plate. The frame, thus is not free standing. The frame is secured/mounted to the base plate. It is thus confusing.

The claims are examined as best understood as having “ free standing” to means that the frame can be attached to something else.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 10-11, 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Helfman (4376353).

Helfman (figure 1) shows a training apparatus including a base plate (26), a rigid door frame secured to the base plate, the door frame consisting of a left vertical jamb (20), a right vertical jamb(22), a header (24) coupled between a top of the left and right vertical jambs, the

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frame having a front face and a rear face, at least one hinge brackets (50, 52) secured to one of the left and right jambs on a rear face of the frame, at least one holding brackets (64 and the assembly of 62) secured to a second of the left and right jambs on the rear face of the door frame, each of the holding brackets extending inward from the vertical jambs (the assembly 62 has a projection that goes into the part 44 which is attached to the jamb and extends to the door; the part 64 is a dead bolt that extends and contacts with the jamb and extends to the door), parallel to a rear vertical plane of the rigid door frame (along the elongate length of the locking part thereof), a standard door (14) secured within the frame by the hinge brackets, the door restricted from rearward opening by interference with one of the holding brackets (inherently so when locked), , the at least one brackets are secured to the jamb by at least one frangible connector (the joint of the hinge and nails are both frangible connector as they will break when sufficient force is applied), the one or more hinge brackets are secured to the door by at least one frangible connector (the joint of the hinge and screw 58 are both frangible connector as they will break when sufficient force is applied), at least one holding brackets are secured to the jamb by at least one frangible connector (the dead bolt 64 and the door knob assembly having frangible parts connected to the frame, and the parts will break when sufficient force is applied), each of the holding brackets are secured to the door by at least one frangible connector (the dead bolt 64 and the door knob assembly having frangible parts connected to the door, and the parts will break when sufficient force is applied), the at least one of holding brackets (64) being aligned substantially with a door locket (the knob assembly) location, the door is restricted from rearward opening by the at least one holding brackets having a predetermined holding strength, the predetermined holding strength is selected to approximate a door lockset holding strength

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(inherently so), at least one removable attachment component coupling the door frame to a perimeter edge of the door (hinge 48), the component being a frangible connector (the joint of the hinge is frangible), first and second holding brackets secured to a second of the left and right jambs on the rear face of the door frame, the first holding bracket secured at a door knob height (where the knob is), the second holding bracket (64) secured at a deadbolt locket height, the rigid door frame is free standing when secured to the base plate (inherently so), the rigid door frame and the secured door are free standing when secured to the base plate (inherently so).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Helfman (4376353) in view of Noyes (4015382).

Helfman shows all the claimed limitations except for the frame being secured to the base plate by a plurality of removable bolts, the header coupled between the left right jambs by removable bolts.

Noyes shows bolts (55) connecting doorframe elements together.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Helfman's structure to show the frame being secured to the base plate by a plurality of removable bolts, the header coupled between the left right jambs by removable bolts because using removable bolts to attach door frame members together would enable the secured

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fastening of the frame members together as taught by Noyes; furthermore, the use of welding, screws, bolts, adhesive to connect jamb frame members is known in the art as they provide for easy ways to attach the door frame members together.

Helfman as modified further shows the doorframe being detachable from the base plate and disassemble into a plurality of discrete components.

Response to Arguments

5. Applicant's arguments filed 3/14/06 have been fully considered but they are not persuasive.

Applicant states that Helfman does not show at least one holding bracket ...which extends inward from the vertical jambs, parallel to a rear vertical plane of the rigid door frame...opening by interference, examiner respectfully disagrees. As pointed out in the office action above per applicant's amendment, the reference shows the holding bracket with projections which extend from the jamb inwardly (when locked), inwardly of the jamb being into the door. The elongate path of projections of the locks are also parallel to the rear vertical plane of the door frame (inherently so as the projections extends the horizontal direction). The holding brackets also are secured to the vertical jamb of the door frame in the locked position. The reference thus shows the limitations as claimed. The argument is thus moot.

With respect to Helfman not being a forcible door entry training apparatus, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The argument is thus moot.

The arguments above also apply to independent claim 18 and other dependent claims.

With respect to applicant's argument that the references show permanent structures and not just training apparatus, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The argument is thus moot.

Applicant's argument to claims 21-22 are also moot in view of the rejection as set forth above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phi Dieu Tran A *PA*

5/30/06

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